

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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ERNIE HINES D/B/A COLORFUL MUSIC,	:	
	:	
Plaintiff,	:	19-cv-04587 (JPO)
	:	
v.	:	
	:	
ROC-A-FELLA RECORDS INC., DEF JAM	:	
RECORDINGS INC., UNIVERSAL MUSIC	:	
GROUP, SONY MUSIC HOLDINGS INC.,	:	
SHAWN CARTER p/k/a JAY-Z and TIMOTHY	:	
MOSLEY p/k/a TIMBALAND,	:	
	:	
Defendants.	:	
	:	
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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT SONY
MUSIC ENTERTAINMENT'S MOTION FOR ENTRY OF JUDGMENT**

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Attorneys for Defendant Sony Music Entertainment

This memorandum of law is respectfully submitted on behalf of Sony Music Entertainment (“SME”) in support of its motion for an order entering final judgment dismissing this action with prejudice.¹ SME hereby adopts, joins, and incorporates by reference the motion made by the other record label defendants, Roc-A-Fella Records, LLC and UMG Recordings, Inc. [Dkt. No. 108.]

ARGUMENT

On April 16, 2020, the Court granted SME’s motion to dismiss Plaintiff’s Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), and granted Plaintiff’s motion for leave to file an amended pleading *provided that* Plaintiff pay the attorney’s fees and costs SME (and other Defendants) incurred in making the motion to dismiss. [Dkt. No. 94.]

The Court set a deadline of sixty days from the date of the April 16, 2020 Opinion & Order for Plaintiff to file any amended pleading and directed that “[f]ailure to comply with this deadline will result in dismissal with prejudice.” [Dkt. No. 94.] Although Plaintiff initially filed a motion for “reconsideration and clarification” of the Court’s Opinion & Order, that motion was voluntarily withdrawn. [Dkt. No. 104.]

On June 15, 2020, Plaintiff allowed the deadline to pass without filing an amended pleading against SME.

¹ SME was incorrectly sued as Sony Music Holdings Inc., and substituted as a defendant by stipulation, dated September 4, 2019. [Dkt. No. 39.]

CONCLUSION

Accordingly, pursuant to Fed. R. Civ. P. 58(d), SME respectfully requests that the Court direct entry of final judgment dismissing this action against it with prejudice.

Dated: June 29, 2020
New York, New York

JONATHAN D. DAVIS, P.C.

By: /s/ Jonathan D. Davis
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